

**Alston & Bird LLP**

1211 East Morehead Street  
P. O. Drawer 34009  
Charlotte, NC 28234-4009  
704-331-6000  
Fax 704-334-2014

**TELECOPY****PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE****Confidentiality Note:**

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DATE:	May 10, 2000		
TO:	U.S. Patent & Trademark Office		
	Attention: Examiner F. T. Moezie - Group Art Unit 16		
FROM:	Leslie T. Henry, Patent Agent		
<b>MESSAGE:</b>  Confirming our telephone conversation, please see attached Communication regarding  Application No. 09/187,661, Filed 11/5/98 Applicants: Shirley et al. Title: Novel IGF-1 Composition and Its Use			
NO. OF PAGES: 4 (Including cover page)		FAX OPERATOR:	
USER CODE:	MNRO	FAX NUMBER:	(703) 305-7401
CLIENT/MATTER:	035784/172863	ADDRESSEE TELEPHONE NO.:	(703) 305-4508
REQUESTED BY:	Nora Martinez	Ext:	2267

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Attorney's Docket No. 5784-3**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shirley *et al.*  
Appl No.: 09/187,661  
Filed: November 5, 1998  
For: NOVEL IGF-I COMPOSITION AND ITS USE

Group Art Unit: 1653  
Examiner: Moezie, F.

May 10, 2000

Official

F. J. Moezie

Assistant Commissioner for Patents  
Washington, DC 20231

**COMMUNICATION**

In the Official Action on the merits, dated April 21, 2000, Applicants were given a shortened statutory response period of one (1) month. Applicants respectfully submit that a shortened statutory period of three (3) months should be given for responding to an action on the merits of an application. Therefore, Applicants respectfully request that the Official Action be remailed with the correct response period indicated on the Office Action Summary.

Applicants also point out that the Office Action Summary states that this Action is "responsive to communication(s) filed on 11/6/99 and 7/12/99." Applicants filed no communication on 11/6/99; however, the patent application was mailed to the U.S. Patent and Trademark Office on 11/6/98. Applicants' Response to Restriction Requirement was filed July 6, 1999 and received by the U.S. Patent and Trademark Office on 7/12/99. This was the last communication between Applicants and Patent Office. Therefore, Applicants also respectfully request that the Office Action Summary be reissued to reflect the correct date(s) of the

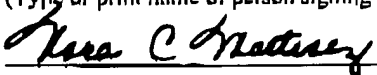
In re: Shirley et al.  
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Filed: November 5, 1998  
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communication(s) to which it is responsive.

Respectfully submitted,



Leslie T. Henry  
Registration No. 45,714

<b>ALSTON &amp; BIRD LLP</b> Post Office Drawer 34009 Charlotte, NC 28234 Tel Raleigh Office (919) 420-2200 Fax Raleigh Office (919) 420-2260	<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>  I hereby certify that this paper is being facsimile transmitted to Examiner F. T. Moezio at the Patent and Trademark Office at facsimile number 703-305-7401, on the date shown below.  Nora C. Martinez (Type or print name of person signing certification.)  Signature  5/10/00 Date
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**Office Action Summary**Application No.  
09/187,881

Applicant(s)

Shirley et al

Examiner

F. T. Moezlo

Group Art Unit

1859

☒ Responsive to communication(s) filed on 11/06/99, 07/12/99☐ This action is FINAL.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 1-27 is/are pending in the application.Of the above, claim(s) 5-7, 9-11, 14, 15, and 21-27 is/are withdrawn from consideration.☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 1-4, 8, 12, 13, and 16-20 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☒ Claims 1-27 are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 1/5☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152**COPY**

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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